FORM NLRB-501 (3-21)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE
Case Date Fi

20-CA-299186

Date Filed **07/11/2022**

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

The arrest great transfer to great and the region in	William the anegea aman laber practice eccurred or i	o counting.
1. EMPL	OYER AGAINST WHOM CHARGE IS BROUGH	Т
a. Name of Employer Amy's Kitchen		b. Tel. No. (707) 578-0871
		c. Cell No. (b) (6), (b) (7)(C)
		f. Fax. No.
d. Address (Street, city, state, and ZIP code) 3000 Dutton Ave Santa Rosa, CA 95407	e. Employer Representative (b) (6), (b) (7)(C)	g. e-mail (b) (6), (b) (7)(C) amys.com
		h. Number of workers employed 550
i. Type of Establishment (factory, mine, wholesaler, etc.) Food processing plant	j. Identify principal product or service Packaged food	
The above named emp oyer has engaged n and s engage	ng n unfar abor pract ces w th n the mean ng o	f sect on 8(a), subsect ons (1) and
(st subsect ons) 8(a)(1) and 8(a)(3)	of the Nat ona	Labor Re at ons Act, and these unfar abor
practices are practices affecting commerce within the mea	an ng of the Act, or these unfar abor pract ces ar	e pract ces affect ng commerce w th n the
mean ng of the Act and the Posta Reorgan zat on Act.		
2. Basis of the Charge (set forth a clear and concise state	ment of the facts constituting the alleged unfair la	abor practices)
Within the last 6 months, the above-referenced emby stating that the employer will not allow employ speaking with union organizers by disseminating fremployees and creating the impression of surveilla coerced employees and discriminated against union gradually fire all union supporters.	ees to participate in or advocate a consumeralse information that the organizers were the nce, and by threatening to replace employers a supporters through its supervisors and age	r boycott, by discouraging employees from reatening employees, by surveilling es. The employer has restrained and
3. Full name of party filing charge (if labor organization, gammaters Local 665	ive full name, including local name and number)	
4a. Address (Street and number, city, state, and ZIP code 1801 Van Ness Avenue, Suite 310 San Francisco, CA 94109	9)	4b. Tel. No. (415) 828-3669
San Francisco, CA 94109		4c. Cell No.
		4d. Fax No. (415) 674-4012
		4e. e-mail mambriz@teamsters.org
5. Full name of national or international labor organization International Brotherhood of Teamsters	of which it is an affiliate or constituent unit (to be	filled in when charge is filed by a labor organization)
6. DECLARATION I dec are that I have read the above charge and that the statements		Tel. No. (510) 625-9700
are true to the best of m	ny know edge and be ef. Lorrie E. Bradley	Office, if any, Cell No.
(signature of representative or person making charge)	(Print/type name and title or office, if any)	Fax No. (510) 625-8275
Address 429 Ninth Street, Suite 350, Oakland, CA	94607 Date <u>Jul 11, 2022</u>	e-mail lbradley@beesontayer.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 20 901 Market Street, Suite 400 San Francisco, CA 94103-1738 Agency Website: www.nlrb.gov Telephone: (415)356-5130 Fax: (415)356-5156 Download NLRB Mobile App

July 12, 2022

Employer Representative Amy's Kitchen
3000 Dutton Avenue
Santa Rosa CA 95407

Re: Amy's Kitchen

Case 20-CA-299186

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner NORMA G. PIZANO whose telephone number is (628)221-8870. If this Board agent is not available, you may contact Supervisory Field Examiner OLIVIA VARGAS whose telephone number is (628)221-8876.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance. *Nosotros podemos proveer asistencia a las personas quienes están limitados en su habilidad de hablar el ingles o quienes se encuentran incapacitados en alguna manera. Favor de informarnos si usted o alguno de sus testigos desean tal asistencia.*

Very truly yours,

JILL H. COFFMAN Regional Director

Ju H. Coffman

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081	NATIONAL LAB	OR RELAT	IONS BOARD			
	QUESTIONNAIRE ON COMMERCE INFORMATION					
Please read carefully, answer all applicable items, and	return to the NLRB Offic	e. If addition	al space is required. r	lease add a page	and identify item number	_
CASE NAME			оршоо 10 годиноц, р		ASE NUMBER	
				20	O-CA-299186	
1. EXACT LEGAL TITLE OF ENTITY (As filed	l with State and/or stat	ted in legal d	ocuments forming e	entity)		
2. TYPE OF ENTITY						
[] CORPORATION [] LLC [] LLP	[] PARTNERSHIP	[] SOLE	PROPRIETORSHIP	[] OTHER	(Specify)	
3. IF A CORPORATION or LLC						
A. STATE OF INCORPORATION	B. NAME, ADDR	RESS, AND R	ELATIONSHIP (e.g	g. parent, subsidia	ry) OF ALL RELATED	ENTITIES
OR FORMATION						
4. IF AN LLC OR ANY TYPE OF PARTNERS:	HIP, FULL NAME AN	ND ADDRES	S OF ALL MEMBI	ERS OR PARTN	VERS	
	,					
5. IF A SOLE PROPRIETORSHIP, FULL NAM	IE AND ADDRESS OF	F PROPRIE	TOR			
6. BRIEFLY DESCRIBE THE NATURE OF Y	OUR OPERATIONS (I	Products han	dled or manufactured	d, or nature of se	rvices performed).	
7A. PRINCIPAL LOCATION:	7B	B. BRANCH	LOCATIONS:			
8. NUMBER OF PEOPLE PRESENTLY EMPLOYED						
A. TOTAL: B. AT THE ADDRESS INVOLVED IN THIS MATTER:						
A. TOTAL: 9. DURING THE MOST RECENT (Check the a)
9. DURING THE MOST RECENT (Check the a	ppropriate box): [] CA	ALENDAR	[]12 MONTHS	or [] FISCAL	YES	NO NO
	ppropriate box): [] CA	ALENDAR	[]12 MONTHS	or [] FISCAL	YES	NO NO
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PRIVACY ACT STATEMENT

E-MAIL ADDRESS

DATE

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

SIGNATURE

NAME AND TITLE (Type or Print)

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMY'S KITCHEN	
Charged Party	
and	Case 20-CA-299186
TEAMSTERS LOCAL 665	
Charging Party	
AFFIDAVIT OF SERVICE OF CHARGE AGAI	INST EMPLOYER
I, the undersigned employee of the National Labor I July 12, 2022, I served the above-entitled document following persons, addressed to them at the following	(s) by post-paid regular mail upon the
(b) (6), (b) (7)(C) Employer Representative Amy's Kitchen 3000 Dutton Avenue Santa Rosa CA 95407	
July 12, 2022	Caroline Barker, Designated Agent of NLRB
Date	Name
	/s/ Caroline Barker Signature



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 20 901 Market Street, Suite 400 San Francisco, CA 94103-1738 Agency Website: www.nlrb.gov Telephone: (415)356-5130 Fax: (415)356-5156 Download NLRB Mobile App

July 12, 2022

Maria Ambriz, Union Representative Teamsters Local 665 1801 Van Ness Avenue Suite 310 San Francisco CA 94109

Re: Amy's Kitchen

Case 20-CA-299186

Dear Ms. Ambriz:

The charge that you filed in this case on July 11, 2022 has been docketed as case number 20-CA-299186. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner NORMA G. PIZANO whose telephone number is (628)221-8870. If this Board agent is not available, you may contact Supervisory Field Examiner OLIVIA VARGAS whose telephone number is (628)221-8876.

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<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Very truly yours,

JILL H. COFFMAN Regional Director

cc: Lorrie E. Bradley, Attorney Beeson Tayer & Bodine 492 Ninth Street Suite 350 Oakland CA 94607

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Amy's Kitchen				
and Teamsters Local 665	CASE 20-CA-299186 Amy's Kitchen			
EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570			
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTAT Amy's Kitchen	IVE OF			
IN THE ABOVE-CAPTIONED MATTER.				
CHECK THE APPROPRIATE BOX(ES) BELOW: REPRESENTATIVE IS AN ATTORNEY IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY VIOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMEN CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS WILL RECEIVE ONLY COPIES OF CERTAIN			
(REPRESENTATIVE INFOR	MATION)			
Gordon A. Letter				
NAME: Littler,2049 Century Park East 5thFloor				
MAILING ADDRESS: Los Angeles CA				
E-MAIL ADDRESS: gletter@littler.com				
OFFICE TELEPHONE NUMBER: 3107727226				
3108712202 CELL PHONE NUMBER:FAX:				
g Luttr SIGNATURE:				
(Please sign in ink.) DATE: Thursday, July 28, 2022 4:44 PM Pacific Standard Time	e			

 $^{^1}$ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 20 450 Golden Gate Ave. 3rd Floor, Suite 3112 San Francisco, CA 94102

Agency Website: www.nlrb.gov Telephone: (415)356-5130 Fax: (415)356-5156

September 28, 2022

Robert F. Millman, Attorney Littler Mendelson, PC 2049 Century Park E Fl 5 Los Angeles, CA 90067-3120

Gordon A. Letter, Attorney at Law Littler Mendelson, P.C. 2049 Century Park East, 5th Floor Los Angeles, CA 90067-3107

Re: Amy's Kitchen

Case 20-CA-299186

Dear Mr. Millman, Mr. Letter:

This is to advise that I have approved the withdrawal of the allegations that the Employer violated Section 8(a)(1) of the Act by: 1) falsely disseminating information that Union organizers were threatening employees thereby discouraging employees from speaking with Union organizers, 2) surveilling employees and creating the impression of surveillance, 3) threatening to replace employees, and 4) telling employees that the Employer would gradually fire all Union supporters.

The remaining allegation that the Employer violated Section 8(a)(1) of the Act by telling employees that they were not allowed to participate in or advocate for a consumer boycott, remains subject to further processing.

Very truly yours,

JILL H. COFFMAN Regional Director

cc: (b) (6), (b) (7)(C) Employer Representative

Amy's Kitchen 3000 Dutton Avenue Santa Rosa, CA 95407 Maria Ambriz, Union Representative Teamsters Local 665 1801 Van Ness Avenue Suite 310 San Francisco, CA 94109

Lorrie E. Bradley, Attorney Beeson Tayer & Bodine 492 Ninth Street Suite 350 Oakland, CA 94607 NATIONAL LABO REGION 20 450 Golden Gate Ave. 3rd Floor, Suite 3112 San Francisco, CA 94102

Agency Website: www.nlrb.gov Telephone: (415)356-5130 Fax: (415)356-5156

October 26, 2022

Lorrie E. Bradley, Attorney Beeson Tayer & Bodine 492 Ninth Street Suite 350 Oakland, CA 94607

> Re: Amy's Kitchen Case 20-CA-299186

Dear Ms. Bradley:

We have carefully investigated and considered your charge that Amy's Kitchen has violated the National Labor Relations Act.

Decision to Approve Settlement Agreement: I am approving the Settlement Agreement for the following reasons: the Charged Party has no recent history of meritorious cases; requiring a Notice Posting rather than a Notice Reading has facilitated the Charged Party's acceptance of it; the wording of the Notice sufficiently remedies the violation, it requires the Notice to be translated to Spanish, which is the language spoken by the majority of non-English speaking employees; and resolution of the allegations of this charge by a Settlement Agreement is a prudent expenditure of Agency resources. All other matters raised in your objections are unrelated to the scope of the investigation of this Charge. Accordingly, in view of the terms the Charged Party has agreed to in the attached Settlement Agreement, I have determined that it would not effectuate the purposes of the National Labor Relations Act to institute further proceedings at this time. I am, therefore, approving the Settlement Agreement and refusing to issue a complaint in this matter.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact e-Filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington,

DC 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me. The main telephone number for the Office of Appeals is (202)273-3760.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on November 9, 2022. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed no later than 11:59 p.m. Eastern Time on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than November 8, 2022. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely. If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before November 9, 2022.** The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after November 9, 2022, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

JILL H. COFFMAN Regional Director

Die H. Coffman

Enclosure

cc: (b) (6), (b) (7)(C) Employer Representative

Amy's Kitchen 3000 Dutton Avenue Santa Rosa, CA 95407

Robert F. Millman, Attorney Littler Mendelson, PC 2049 Century Park E Fl 5 Los Angeles, CA 90067-3120

Gordon A. Letter, Attorney at Law Littler Mendelson, P.C. 2049 Century Park East, 5th Floor Los Angeles, CA 90067-3107

Maria Ambriz, Union Representative Teamsters Automotive and Allied Workers, Local Union 665, A/W International Brotherhood of Teamsters 1801 Van Ness Avenue Suite 310 San Francisco, CA 94109

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

Date:

To: General Counsel

Attn: Office of Appeals National Labor Relations Board 1015 Half Street SE Washington, DC 20570-0001
Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in approving the settlement agreement in
Case Name(s).
Case No(s). (If more than one case number, include all case numbers in which appeal is taken.)
(Signature)

E-FILING TO APPEALS

- 1. **Extension of Time**: This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
- 2. **File an Appeal**: If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only one (1) Appeal can be e-filed to each determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any additional materials to add to the Appeal should be e-filed under Correspondence.
- 3. **Notice of Appearance**: Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed before an Appeal is e-filed.
- 4. **Correspondence**: Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents after an Extension of Time, Appeal or Notice of Appearance has been e-filed.
- 5. **Position Statement**: The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.
- 6. **Withdrawal Request**: If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed **after** an **Extension of Time, Appeal** or **Notice of Appearance** has been e-filed.



- 7. The selections of **Evidence** or **Other** should no longer be used.
- 8. If you need to contact the Office of Appeals, please call (202)273-3760.

UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD SETTLEMENT AGREEMENT

IN THE MATTER OF Amy's Kitchen

Case 20-CA-299186

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS**:

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and Spanish. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in all customary locations where notices are posted for employees at the Charged Party's facility located at 2330 Northpoint Pkwy, Santa Rosa, California. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes	<u>AP</u> Initials	No Initials	-		
			Initials:	AP	

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director. The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will issue a Complaint that includes the allegations covered by the Notice to Employees, as identified above in the Scope of Agreement section, as well as filing and service of the charge(s), commerce facts necessary to establish Board jurisdiction, labor organization status, appropriate bargaining unit (if applicable), and any other allegations the General Counsel would ordinarily plead to establish the unfair labor practices. Thereafter, the General Counsel may file a Motion for Default Judgment with the Board on the allegations of the Complaint. The Charged Party understands and agrees that all of the allegations of the Complaint will be deemed admitted and that it will have waived its right to file an Answer to such Complaint. The only issue that the Charged Party may raise before the Board will be whether it defaulted on the terms of this Settlement Agreement. The General Counsel may seek, and the Board may impose, a full remedy for each unfair labor practice identified in the Notice to Employees. The Board may then, without necessity of trial or any other proceeding, find all allegations of the complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Charged Party agrees that the Board may then issue an order providing, as elected by the Regional Director, a full remedy for the violations found as is appropriate to remedy such violations, and/or an order requiring the Charged Party to perform terms of this settlement agreement as specified by the Regional Director. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board order ex parte, after service or attempted service upon Charged Party/Respondent at the last address provided to the General Counsel.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party	ged Party Charging Party			
Amy's Kitchen		Teamsters Local 665		
By: Name and Title	Date	By:	Name and Title	Date
/s/ Ashley Park, Corporate Counsel	9/21/2022			
Print Name and Title below		Print Na	me and Title below	-
Ashley Park, Corporate Counsel				

Initials:	AP	

Recommended By:	Date	Approved By:	Date
/s/ Olivia Vargas	10/25/22	/s/ Jill H. Coffman	10/26/22
Olivia Vargas		Jill H. Coffman	
Supervisory Field Examiner		Regional Director, Region 20	

Initials: _____AP____

(To be printed and posted on official Board notice form)

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT interfere with, restrain, or coerce you in the exercise of the above rights.

WE WILL NOT tell you that it's not permissible to ask for a boycott of our products.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

	A	Amy's Kitchen		
		(Employer)		
Dated:	By:			
		(Representative) (Title)	_	

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Callers who are deaf or hard of hearing who wish to speak to an NLRB representative should send an email to relay.service@nlrb.gov. An NLRB representative will email the requestor with instructions on how to schedule a relay service call.

450 Golden Gate Ave. 3rd Floor, Suite 3112 San Francisco, CA 94102 **Telephone:** (415)356-5130

Hours of Operation: 8:30 a.m. to 5 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

PRE-COMPLAINT SETTLEMENT CHECKLIST

SEND	NOTICES TO	Union Counsel Bradley	_ (CHARGED PARTY):
SEND	NOTICES TO	ER Counsel Millman and Letter	(CHARGED PARTY'S ATTORNEY
		date? Yes	
	RemedyNet was reviewed be	efore drafting Settlement. In order to access Remo	edyNet, cut and paste this web address
X	Notice Posting Locations of Posting (Specific address/location):		
	If CB charge, UN has been n facility if one exists	otified it must post on UN bulletin board at ER	Yes No
	Notice Mailing Who will do mailing?		
	If Region, when will addresse	es be p <u>rovided?</u>	
	To whom will Notices be ma	iled?	
	Notice Reading Who will read the Notice?		
			No
		the reading?	
		excess to attend the reading? Yes	No
		60 day posting period? Yes	No No
	Electronic Distribution To whom will Notices be e-m	,	
		Compliance Officer copy of e-mail?	
		OM 12-57)	
	Posting on Intra/Internet	· · · · · · · · · · · · · · · · · · ·	
	Appropriate individuals have	access to intra/internet site?	Yes No
	Charging Party will send Con	mpliance Officer copy of posting?	Yes No
	Charging Party will provide	Compliance Officer with password if necessary?	Yes No
	Backpay liquidated in Settle	<u>ement</u>	
	Interest Search for Work Expenses		
	Medical Expenses Excess Tax Liability. If not,	why not	
	Remedies entered in the Settl	•	
	Remedy Calculations Review		
	All amounts owed have been	• •	No
	If no, how will backpay be ca	alculated?	
		g calculations? Yes	No
		appropriate withholdings must be made from	Yes No

	Charged Party will submit SSA form? Yes No
	If no, why not?
	Checks will be delivered to Region? Yes No
	If no, how will they be distributed?
	If Finance will distribute:
	Will Employer's share of FICA be included in lump sum? Yes No
	What is Employer's Federal Tax ID?
	Payee Information in file per ICG 16-04 Yes No
ate:	Completed by:

FORM NLRB-501 (3-21)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS	SPACE
Case	Date F ed
32-CA-296960	06-01-2022

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1 FMDI	OYER AGAINST WHOM CHARGE IS BROUGHT	
	OTER AGAINST WHOM CHARGE IS BROUGHT	h To No
a. Name of Emp oyer Amy's Kitchen	b. Te . No. 707-297-3569	
		c. Ce No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code)	e. Emp oyer Representat ve	
1885 Las Plumas Ave.	(b) (6), (b) (7)(C)	g. e-ma
San Jose, CA 95133		(b) (6), (b) (7)(C) amys.com
		h. Number of workers emp oyed 300
. Type of Estab shment (factory, mine, wholesaler, etc.) Factory	j. Ident fy pr nc pa product or serv ce Frozen food	
The above-named employer has engaged in and is engaged		
(list subsections) (3)		Relations Act, and these unfair labor
practices are practices affecting commerce within the mea	aning of the Act, or these unfair labor practices are pract	tices affecting commerce within the
meaning of the Act and the Postal Reorganization Act.		
2. Bas's of the Charge (set forth a clear and concise state Within the past six months, the above-named discharging employee (b) (6), (b) (7)(C) Union.	employer, through its agents and/or supervis	ors, has violated the Act by
3. Fu name of party f ng charge (if labor organization, g UNITE HERE Local 19	ive full name, including local name and number)	
4a. Address (Street and number, city, state, and ZIP code	2)	4b. Te . No.
2302 Zanker Rd.	,	408-321-9019
San Jose, CA 95131		4c. Ce No.
		Ad Fow No.
		4d. Fax No. 408-321-9700
		4e. e-ma
5. Fu name of nat ona or nternat ona abor organ zat or	of which it can affiate or constituent unit (to be filled in	when charge is filed by a labor organization)
UNITE HERE	TO WITCH 1 3 an air aic of constituent airt (to be innea ii	when charge is lifed by a labor organization)
6 DECL	ARATION	Te . No.
I declare that I have read the abo	ve charge and that the statements	617-833-2596
are true to the best of m	ny knowledge and belief. Jesse Tripathi, Staff Attorney	Office, flany, Ce No.
(signature of representative or person making charge)	(Print/type name and title or office if any)	Fax No.
2302 Zanker Rd., San Jose, CA 95131	06/01/2022	e-ma
Address	Date	_ jtripathi@unitehere19.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA) 29 U S C § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register 71 Fed. Reg. 74942 43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 32 1301 Clay St Ste 300N Oakland, CA 94612-5224 Agency Website: www.nlrb.gov Telephone: (510)637-3300

Fax: (510)637-3315

Download **NLRB** Mobile App

June 3, 2022

(b) (6), (b) (7)(C)

AMY'S KITCHEN 1330 STATE STREET., SUITE 102 SANTA BARBARA, CA 93101

> Re: Amy's Kitchen Case 32-CA-296960

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ANGELA M. HOLLOWELL-FUENTES whose telephone number is (510)671-3012. If this Board agent is not available, you may contact Supervisory Attorney D. CRISS PARKER whose telephone number is (510)671-3035.

<u>Right to Representation:</u> You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Case 32-CA-296960

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

Case 32-CA-296960

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Christy J. Kwon

Acting Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081 (3-11)	NATIONAL I	LABOR RELATIONS BOAR	മ		
	IONNAIRE O	N COMMERCE INFO	RMATION		
Please read carefully, answer all applicable items, and re	eturn to the NLRB (Office. If additional space is req	uired, please add a pa	age and identify item numbe	r.
CASE NAME				CASE NUMBER 32-CA-296960	
1. EXACT LEGAL TITLE OF ENTITY (As filed v	with State and/or	stated in legal documents for	rming entity)		
2. TYPE OF ENTITY					
[] CORPORATION [] LLC [] LLP [] PARTNERSHI	P [] SOLE PROPRIETO	RSHIP [] OTH	ER (Specify)	
3. IF A CORPORATION or LLC					
A. STATE OF INCORPORATION OR FORMATION	B. NAME, AI	DDRESS, AND RELATIONS	HIP (e.g. parent, subsi	idiary) OF ALL RELATED	ENTITIES
4. IF AN LLC OR ANY TYPE OF PARTNERSH	IP, FULL NAME	AND ADDRESS OF ALL M	IEMBERS OR PAR	TNERS	
5. IF A SOLE PROPRIETORSHIP, FULL NAMI	E AND ADDRES	S OF PROPRIETOR			
6. BRIEFLY DESCRIBE THE NATURE OF YO	UR OPERATION	NS (Products handled or manuj	factured, or nature of	services performed).	
7A. PRINCIPAL LOCATION:		7B. BRANCH LOCATION	NS:		
8. NUMBER OF PEOPLE PRESENTLY EMPLO	Т	DDDEGG BRIOLIED BLEIN	IC MATTER		
A. TOTAL:		DDRESS INVOLVED IN THE		AI VEAD (EVDATEC	1
9. DURING THE MOST RECENT (Check the app	propriate box): [CALENDAR [] 12 MON	THS OF []FISC.	YES	NO NO
A. Did you provide services valued in excess of \$50.	,000 directly to cus	stomers outside your State? If	no, indicate actual va		
B. If you answered no to 9A, did you provide service goods valued in excess of \$50,000 from directly or			_	sed	
provided. \$					
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12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print) SIGNATURE E-MAIL ADDRESS DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMY'S KITCHEN Charged Party and UNITE HERE LOCAL 19	Case 32-CA-296960
Charging Party	
AFFIDAVIT OF SERVICE OF CHARGE AGAIN	ST EMPLOYER
I, the undersigned employee of the National Labor Reserved the above-entitled document(s) by post-paid readdressed to them at the following addresses:	
(b) (6), (b) (7)(C) AMY'S KITCHEN	
1330 STATE STREET., SUITE 102 SANTA BARBARA, CA 93101	
June 3, 2022	Kristy Lutz, Designated Agent of NLRB
Date	Name
	/s/ Kristy Lutz

Signature



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 32 1301 Clay St Ste 300N Oakland, CA 94612-5224 Agency Website: www.nlrb.gov Telephone: (510)637-3300 Fax: (510)637-3315 Download NLRB Mobile App

June 3, 2022

UNITE HERE LOCAL 19 2302 ZANKER RD SAN JOSE, CA 95131

> Re: Amy's Kitchen Case 32-CA-296960

Dear Sir or Madam:

The charge that you filed in this case on June 01, 2022 has been docketed as case number 32-CA-296960. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney ANGELA M. HOLLOWELL-FUENTES whose telephone number is (510)671-3012. If this Board agent is not available, you may contact Supervisory Attorney D. CRISS PARKER whose telephone number is (510)671-3035.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Case 32-CA-296960

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Case 32-CA-296960

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

hristy J. Kwon

Acting Regional Director

cc: JESSE TRIPATHI, STAFF ATTORNEY UNITE HERE LOCAL 19 2302 ZANKER RD. SAN JOSE, CA 95131



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 32 1301 Clay St Ste 300N Oakland, CA 94612-5224

Agency Website: www.nlrb.gov Telephone: (510)637-3300 Fax: (510)637-3315 Download NLRB Mobile App

June 10, 2022

RE-SERVED TO CORRECTED ADDRESS

(b) (6), (b) (7)(C)

AMY'S KITCHEN 1885 LAS PLUMAS AVE SAN JOSE, CA 95133

Re: Amy's Kitchen

Case 32-CA-296960

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney ANGELA M. HOLLOWELL-FUENTES whose telephone number is (510)671-3012. If this Board agent is not available, you may contact Supervisory Attorney D. CRISS PARKER whose telephone number is (510)671-3035.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours, Valerie Hardy-Makoney

Valerie Hardy-Mahoney Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

	NLRB-5081 -11)	NATIONAL I	LABOR RELATIONS BOARD		
().		ONNAIRE O	N COMMERCE INFORMATION		
Please	e read carefully, answer all applicable items, and ret	turn to the NLRB (Office. If additional space is required, please add	a page and identify item numl	ber.
CASI	E NAME			CASE NUMBER 32-CA-296960	
1 153	XACT LEGAL TITLE OF ENTITY (As filed w	ith State and/on	stated in local documents forming entity)	32-CA-290900	
1. 1.2	CACT LEGAL TITLE OF ENTITY (As med w	ILLI State allu/of	stated in legal documents forming endry)		
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PRIVACY ACT STATEMENT

DATE

E-MAIL ADDRESS

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

SIGNATURE

NAME AND TITLE (Type or Print)

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

	
AMY'S KITCHEN	
Charged Party	
and	Case 32-CA-296960
UNITE HERE LOCAL 19	
Charging Party	
AFFIDAVIT OF SERVICE OF <u>RE-SERVED</u> C	HARGE AGAINST EMPLOYER
I, the undersigned employee of the National Labor 10, 2022, I re-served the above-entitled document (following persons, addressed to them at the following	s) by post-paid regular mail upon the
(b) (6), (b) (7)(C) AMY'S KITCHEN 1885 LAS PLUMAS AVE SAN JOSE, CA 95133	
June 10, 2022	Kristy Lutz, Designated Agent of NLRB
Date	Name
	/s/ Kristy Lutz
	Signature

FORM NLRB-501 (3-21)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

	DO NOT WRITE IN THIS	SPACE
Case		Date F ed
	32-CA-297148	06-01-2022

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

a Name of Emp oyer Amy's Kitchen D. Te. No.	File an original with NERB Regional Director for the region in	which the alleged unial labor practice occurred or is of	curring.
Amy's Kitchen d. Address (Street, city, state, and zIP code) 1885 Las Plumas Ave. San Jose, CA 95133 e. Emp oyer Representat we DI(S) (D) (T)(C) g. e-ma DI(S) (D) (T)(C) n. Number of workers emp oyed 300 Type of Estab shment (factory, mine, wholesaler, etc.) Factory Free above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Bas so the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the past six months, the above-named employer, through its agents and/or supervisors, has violated the Act by subjecting employees to anti-union captive audience meetings. 3. Fu name of partry 1 ng charge (if labor organization, give full name, including local name and number) UNITE HERE Local 19 4a. Address (citred and number, city, state, and zilP code) 3. San Jose, CA 95131 4b. Te. No. 4d. Fax No. 4f. Fax No.	1. EMPL	OYER AGAINST WHOM CHARGE IS BROUGHT	
C. Ce. No. I. Fax. No. I. G. e-ma I. G. e-ma I. Milling. I. (I/T) (C) I. Number of workers emp oyed 300 In Number of workers emp oyed 300 In Number of workers emp oyed 300 The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices affecting commerce within the meaning of the Act and the Postal Roorganization Act. I. Bas s of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Within the past six months, the above-named employer, through its agents and/or supervisors, has violated the Act by subjecting employees to anti-union captive audience meetings. I. In name of party I ng charge (if labor organization, give full name, including local name and number) UNITE HERE Local 19 I. A. Address (Greet and number, city, state, and ZIP code) 200 Zanker Rd. San Jose, CA 95131 I. Identity principal product or service within the meaning of the Act and the postal Roorganization of the facts constituting the alleged unfair fabor practices) Within the past six months, the above-named employer, through its agents and/or supervisors, has violated the Act by subjecting employees to anti-union captive audience meetings. I. Fu name of party I ng charge (if labor organization, give full name, including local name and number) UNITE HERE Local 19 I. A. Address (Greet and number, city, state, and ZIP code) 202 Zanker Rd. I. Fu name of nationa or international abor organization of which it is an aff at or constituent unit (to be filled in when charge is filed by a labor organization) UNITE HERE I. D. G. Fund T. S. No. I. Fax	a. Name of Emp oyer		b. Te . No.
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d. Address (Street, city, state, and ZIP code) 1885 Las Plumas Ave. San Jose, CA 95133 B. Emp oyer Representative (b) (6) (b) (7) (c) B. Emp oyer Representative (b) (6) (c) (7) (c) B. Emp oyer Representative (b) (6) (c) (7) (c) B. Emp oyer Representative (b) (6) (c) (7) (c) B. Emp oyer Representative (b) (6) (c) (7) (c) B. Emp oyer Representative (b) (6) (c) (7) (c) B. Emp oyer Representative (c) (6) (c) (7) (c) B. Emp oyer Representative (b) (6) (c) (7) (c) B. Emp oyer Representative (c) (6) (c) (7) (c) B. Emp oyer Representative (c) (6) (c) (7) (c) B. Emp oyer Representative (c) (6) (c) (7) (c) B. Emp oyer Representative (c) (6) (c) (7) (c) B. Emp oyer Representative (c) (6) (c) (7) (c) B. Emp oyer Representative (c) (c) (c) (c) B. Emp oyer Representative (c) (c) (c) (c) B. Emp oyer Representative (c) (c) (c) (c) B. Emp oyer Representative (c) (c) (c) (c) B. Emp oyer Representative (c) (c) (c) (c) B. Emp oyer Representative (c) (c) (c) (c) (c) B. Emp oyer (c) (c) (c) (c) B. Emp oyer (c) (c) (c) (c) B. Emp oyer (c) (c) (c) (c) (c) B. Emp oyer (c) (c) (c) (c) (c) B. Emp oyer (c)			c. Ce No.
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UNITE HERE Local 19 4a. Address (Street and number, city, state, and ZIP code) 2302 Zanker Rd. San Jose, CA 95131 4b. Te. No. 408-321-9019 4c. Ce. No. 4d. Fax No. 408-321-9700 4e. e-ma 5. Fu name of nat ona or international abor organization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor organization) UNITE HERE 6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. Jesse Tripathi, Staff Attorney (signature of representative or person making charge) (Print/type name and title or office if any) Fax No. 2302 Zanker Rd., San Jose, CA 95131 06/01/2022 e-ma	, , , , , , , , , , , , , , , , , , , ,	-	
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2302 Zanker Rd., San Jose, CA 95131 06/01/2022 e-ma	(signature of representative or person making charge)	(Print/type name and title or office if anv)	Fax No
Address	, , , , , , , , , , , , , , , , , , , ,		I WA INO.
Address Date jtripathi@unitehere19.org		06/01/2022	e-ma
	Address	Date	jtripathi@unitehere19.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA) 29 U S C § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register 71 Fed. Reg. 74942 43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 32 1301 Clay St Ste 300N Oakland, CA 94612-5224 Agency Website: www.nlrb.gov Telephone: (510)637-3300 Fax: (510)637-3315 Download NLRB Mobile App

June 7, 2022

(b) (6), (b) (7)(C)

AMY'S KITCHEN 830 ROUTE 37 WEST TOMS RIVER, NJ 08754

Re: Amy's Kitchen

Case 32-CA-297148

Dear(b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney ANGELA M. HOLLOWELL-FUENTES whose telephone number is (510)671-3012. If this Board agent is not available, you may contact Supervisory Attorney D. CRISS PARKER whose telephone number is (510)671-3035.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence:</u> All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours, Valerie Hardy-Makoney

Valerie Hardy-Mahoney Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FOR	M NLRB-5081	NATIONAL I	LABOR RELA	TIONS BOARD						
	QUEST	ONNAIRE O	О СОММЕ	RCE INFORMA	TION					
Ple	se read carefully, answer all applicable items, and re	turn to the NLRB	Office. If additio	nal space is required, p	lease add a pa	ge and i	dentify item r	number.		
CA	SE NAME						NUMBER			
						32-CA-	297148			
1.	EXACT LEGAL TITLE OF ENTITY (As filed w	vith State and/or	stated in legal	documents forming e	ntity)					
2.	TYPE OF ENTITY									
[]	CORPORATION [] LLC [] LLP [] PARTNERSHI	P [] SOLI	PROPRIETORSHIP	[] OTH	ER (Spe	cify)			
3.	F A CORPORATION or LLC	_								
	TATE OF INCORPORATION	B. NAME, AI	DDRESS, AND	RELATIONSHIP (e.g	. parent, subsi	diary) O	F ALL REL	ATED EN	TTTES	
(OR FORMATION									
4	IF AN LLC OR ANY TYPE OF PARTNERSHI	 P FIII I NAME	AND ADDRE	SS OF ALL MEMBE	RS OR PAR	TNERS				
	I AVEEC ON AVI IIIE OF TAKINERSIII	I, I CLL IVILLE	TIND RDDIG	55 OI ALL MEMBI	MS OR TAIR	IIILI				
5.	IF A SOLE PROPRIETORSHIP, FULL NAME	AND ADDRES	S OF PROPRI	ETOR						
6.	BRIEFLY DESCRIBE THE NATURE OF YOU	R OPERATION	NS (Products ha	ndled or manufactured	l, or nature of	services	performed).			
7Δ	PRINCIPAL LOCATION:		7B BRANC	H LOCATIONS:						
723	TREACH TE ESCRITION.		7D. DIGINO	Localions.						
8.	NUMBER OF PEOPLE PRESENTLY EMPLO	YED								
	A. TOTAL:	B. AT THE A	DDRESS INVO	DLVED IN THIS MAT	TER:					
9.	DURING THE MOST RECENT (Check the app	ropriate box): [1 CALENDAR	[] 12 MONTHS	or [] FISC	AL YE	AR (FYDA	TES)
	Zeratio 112 incertance app	roprime sony. [1012211211		01 [] 1100		YES		NO	
A.	Did you provide services valued in excess of \$50,	000 directly to cu	stomers outside	your State? If no, indi	cate actual va	lue.				
	\$									
В.	If you answered no to 9A, did you provide service			_	_	ed				
	goods valued in excess of \$50,000 from directly or provided. \$	itside your State?	If no, indicate	the value of any such s	ervices you					
С	If you answered no to 9A and 9B, did you provide	services valued i	n excess of \$50	000 to public utilities	transit system	ıs				
٠.	newspapers, health care institutions, broadcasting s			_	_					
	If less than \$50,000, indicate amount. \$			-						
D.	Did you sell goods valued in excess of \$50,000 dir	ectly to customers	s located outside	e your State? If less tha	n \$50,000, inc	dicate				
	amount. \$									
E.	If you answered no to 9D, did you sell goods value				-					
	purchased other goods valued in excess of \$50,000 \$	nom unectry out	side your state	n iess man \$50,000,	marcate amou	ant.				
F.	Did you purchase and receive goods valued in ex	cess of \$50.000 fr	om directly out	side your State? If les	s than \$50,000	0,				
	indicate amount. \$,							
G.	Did you purchase and receive goods valued in ex	cess of \$50,000 fr	rom enterprises	who received the good	s directly fron	1				
	points outside your State? If less than \$50,000, in									
Η.	Gross Revenues from all sales or performance of	services (Check	the largest amo	unt)						

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

[] YES [] NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME TITLE E-MAIL ADDRESS TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

Did you begin operations within the last 12 months? If yes, specify date:

NAME AND TITLE (Type or Print) SIGNATURE E-MAIL ADDRESS DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMY'S KITCHEN	
Charged Party	
and	Case 32-CA-297148
UNITE HERE LOCAL 19	
Charging Party	
AFFIDAVIT OF SERVICE OF CHARGE AG	AINST EMPLOYER
I, the undersigned employee of the National Labor June 7, 2022, I served the above-entitled document following persons, addressed to them at the following (b) (6), (b) (7)(C) AMY'S KITCHEN 830 ROUTE 37 WEST TOMS RIVER, NJ 08754	(s) by post-paid regular mail upon the
June 7, 2022	Ida Lam, Designated Agent of NLRB
Date	Name
	/s/ Ida Lam
	Signature



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 32 1301 Clay St Ste 300N Oakland, CA 94612-5224 Agency Website: www.nlrb.gov Telephone: (510)637-3300 Fax: (510)637-3315 Download NLRB Mobile App

June 7, 2022

JESSE TRIPATHI, STAFF ATTORNEY UNITE HERE LOCAL 19 2302 ZANKER RD. SAN JOSE, CA 95131

> Re: Amy's Kitchen Case 32-CA-297148

Dear Mr. Tripathi:

The charge that you filed in this case on June 01, 2022 has been docketed as case number 32-CA-297148. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney ANGELA M. HOLLOWELL-FUENTES whose telephone number is (510)671-3012. If this Board agent is not available, you may contact Supervisory Attorney D. CRISS PARKER whose telephone number is (510)671-3035.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours, Valerie Hardy-Makoney

Valerie Hardy-Mahoney Regional Director



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 32 1301 Clay St Ste 300N Oakland, CA 94612-5224 Agency Website: www.nlrb.gov Telephone: (510)637-3300

Fax: (510)637-3315

NLRB Mobile App

June 10, 2022

RE-SERVED TO CORRECTED ADDRESS

(b) (6), (b) (7)(C)

AMY'S KITCHEN 1885 LAS PLUMAS AVE SAN JOSE, CA 95133

> Amy's Kitchen Re:

Case 32-CA-297148

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your

Case 32-CA-297148

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence:</u> All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

Case 32-CA-297148

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Valerie Hardy-Mahoney Regional Director

Valerie Hordy-Makoney

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081 (3-11)	NATIONAL LABOR RI	ELATIONS BOARD		
	IONNAIRE ON COM	MERCE INFORMATION		
Please read carefully, answer all applicable items, and r	eturn to the NLRB Office. If ad	ditional space is required, please add a pa	ge and identify item number.	
CASE NAME			CASE NUMBER	
			32-CA-297148	
1. EXACT LEGAL TITLE OF ENTITY (As filed	with State and/or stated in l	egal documents forming entity)		
2. TYPE OF ENTITY				
[] CORPORATION [] LLC [] LLP [] PARTNERSHIP [] S	OLE PROPRIETORSHIP [] OTH	ER (Specify)	
3. IF A CORPORATION or LLC	D MANG ADDRESS A	ND DEL ATTONOMIO	C A A LA DEL AMED E	
A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, A	ND RELATIONSHIP (e.g. parent, subsi	diary) OF ALL RELATED E	ENTITIES
4. IF AN LLC OR ANY TYPE OF PARTNERSH	IP, FULL NAME AND ADI	DRESS OF ALL MEMBERS OR PAR	TNERS	
5. IF A SOLE PROPRIETORSHIP, FULL NAM	E AND ADDRESS OF PRO	PRIETOR		
6. BRIEFLY DESCRIBE THE NATURE OF YO	UR OPERATIONS (Product	s handled or manufactured, or nature of	services performed).	
7A. PRINCIPAL LOCATION:	7D DDA	NCH LOCATIONS:		
A. TRINCHAL LOCATION.	/B. BRA	Nen Locations.		
8. NUMBER OF PEOPLE PRESENTLY EMPLO	OYED			
A. TOTAL:	B. AT THE ADDRESS I	NVOLVED IN THIS MATTER:		
A. TOTAL: 9. DURING THE MOST RECENT (Check the ap.)
9. DURING THE MOST RECENT (Check the ap	propriate box): [] CALENI	OAR []12 MONTHS or []FISC	YES	NO NO
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PRIVACY ACT STATEMENT

DATE

E-MAIL ADDRESS

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

SIGNATURE

NAME AND TITLE (Type or Print)

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMY'S KITCHEN Charged Party and UNITE HERE LOCAL 19 Charging Party	Case 32-CA-297148
AFFIDAVIT OF SERVICE OF <u>RE-SERVED</u> CHA I, the undersigned employee of the National Labor Rela 10, 2022, I re-served the above-entitled document(s) b following persons, addressed to them at the following a (b) (6), (b) (7)(C)	ntions Board, state under oath that on June y post-paid regular mail upon the
AMY'S KITCHEN 1885 LAS PLUMAS AVE SAN JOSE, CA 95133 June 10, 2022	Kristy Lutz, Designated Agent of NLRB
Date	Name / Kristy Lutz

Signature

FORM NLRB-501 (3-21)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD **CHARGE AGAINST EMPLOYER**

	DO NOT WRITE IN THIS	SPACE
Case		Date F ed
	32-CA-297181	06-01-2022

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in	which the alleged unfair labor practice occurred or is occur	rring.
1. EMPL	OYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Emp oyer		b. Te . No.
Amy's Kitchen		707-297-3569
		c. Ce No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code)	e. Emp oyer Representat ve	<u> </u>
1885 Las Plumas Ave.		g. e-ma
San Jose, CA 95133	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) amys.com
Sali Jose, CA 93133		
		h. Number of workers emp oyed
		300
. Type of Estab shment (factory, mine, wholesaler, etc.)	j. Ident fy pr nc pa product or serv ce	
Factory	Frozen food	
The above-named employer has engaged in and is engaged	ging in unfair labor practices within the meaning of section	on 8(a), subsections (1) and
(list subsections)		Relations Act, and these unfair labor
practices are practices affecting commerce within the mea		
meaning of the Act and the Postal Reorganization Act.		3
Bas s of the Charge (set forth a clear and concise state	ement of the facts constituting the alleged unfair labor p	ractices)
Within the past six months, the above-named		-
granting benefits in response to workers' prote		,
у р	,	
3. Fu name of party f ng charge (if labor organization, g	ive full name including local name and number)	
UNITE HERE Local 19	To lan hame, mendang recal hame and hamber,	
4a. Address (Street and number, city, state, and ZIP code		4b. Te . No.
2302 Zanker Rd.	-)	408-321-9019
San Jose, CA 95131		
3aii 30se, CA 93131		4c. Ce No.
		4d. Fax No.
		408-321-9700
		4e. e-ma
5. Fu name of nat ona or nternat ona abor organ zat or	n of which it is an aff ate or constituent unit (to be filled in	n when charge is filed by a labor organization)
UNITE HERE		
6. DECL	ARATION	Te . No.
	ve charge and that the statements	617-833-2596
are true to the best of n	ny knowledge and belief. Jesse Tripathi, Staff Attorney	Office, flany, Ce No.
Jose A	Jesse Inpauli, Stan Automey	
(signature of representative or person making charge)	(Print/type name and title or office if any)	Fax No.
2302 Zanker Rd., San Jose, CA 95131	06/01/2022	A ma
Address	Date	e-ma — jtripathi@unitehere19.org
		Jarpaun @ unioneier 7.01g

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA) 29 U S C § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register 71 Fed Reg 74942 43 (Dec 13 2006) The NLRB will further explain these uses upon request Disclosure of this information to the NLRB is voluntary; however failure to supply the information may cause the NLRB to decline to invoke its processes



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 32 1301 Clay St Ste 300N Oakland, CA 94612-5224 Agency Website: www.nlrb.gov Telephone: (510)637-3300 Fax: (510)637-3315 Download NLRB Mobile App

June 7, 2022

(b) (6), (b) (7)(C)

AMY'S KITCHEN 830 ROUTE 37 WEST TOMS RIVER, NJ 08754

Re: Amy's Kitchen

Case 32-CA-297181

Dear(b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney ANGELA M. HOLLOWELL-FUENTES whose telephone number is (510)671-3012. If this Board agent is not available, you may contact Supervisory Attorney D. CRISS PARKER whose telephone number is (510)671-3035.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours, Valerie Hardy-Makoney

Valerie Hardy-Mahoney Regional Director

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

	M NLRB-5081 (3-11)	NATIONAL LABOR RELATIONS BOARD		
		ONNAIRE ON COMMERCE INFORMATION		
Plea	ase read carefully, answer all applicable items, and ret	turn to the NLRB Office. If additional space is required, please add a page	e and identify item number.	
CA	SE NAME		CASE NUMBER	
			32-CA-297181	
1.]	EXACT LEGAL TITLE OF ENTITY (As filed w	ith State and/or stated in legal documents forming entity)		
2.	TYPE OF ENTITY			
[]	CORPORATION [] LLC [] LLP []	PARTNERSHIP [] SOLE PROPRIETORSHIP [] OTHER	R (Specify)	
3.]	IF A CORPORATION or LLC			
	STATE OF INCORPORATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidi	iary) OF ALL RELATED El	NTITIES
(OR FORMATION			
4.	IF AN LLC OR ANY TYPE OF PARTNERSHIP	I P, FULL NAME AND ADDRESS OF ALL MEMBERS OR PART	NERS	
-	TE A COLE PROPRIETOROUGH PART A NAME	AND ADDRESS OF BRODRIFTOR		
5.	IF A SOLE PROPRIETORSHIP, FULL NAME	AND ADDRESS OF PROPRIETOR		
6.	BRIEFLY DESCRIBE THE NATURE OF YOU	R OPERATIONS (Products handled or manufactured, or nature of se	ervices performed).	
7A.	PRINCIPAL LOCATION:	7B. BRANCH LOCATIONS:		
7 A .	PRINCIPAL LOCATION:	7B. BRANCH LOCATIONS:		
	PRINCIPAL LOCATION: NUMBER OF PEOPLE PRESENTLY EMPLOY			
8.	NUMBER OF PEOPLE PRESENTLY EMPLOY	YED B. AT THE ADDRESS INVOLVED IN THIS MATTER:		
8. 9.	NUMBER OF PEOPLE PRESENTLY EMPLOY A. TOTAL: DURING THE MOST RECENT (Check the appr	YED B. AT THE ADDRESS INVOLVED IN THIS MATTER: Propriate box): [] CALENDAR [] 12 MONTHS or [] FISCAL	YES) NO
8. 9.	NUMBER OF PEOPLE PRESENTLY EMPLOY A. TOTAL: DURING THE MOST RECENT (Check the appr Did you provide services valued in excess of \$50,0	YED B. AT THE ADDRESS INVOLVED IN THIS MATTER:	YES) NO
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8. 9. A. B.	NUMBER OF PEOPLE PRESENTLY EMPLOY A. TOTAL: DId you provide services valued in excess of \$50,0 \$	B. AT THE ADDRESS INVOLVED IN THIS MATTER: **ropriate box*): [] CALENDAR [] 12 MONTHS or [] FISCAL 1000 directly to customers outside your State? If no, indicate actual value is valued in excess of \$50,000 to customers in your State who purchased taside your State? If no, indicate the value of any such services you services valued in excess of \$50,000 to public utilities, transit systems, tations, commercial buildings, educational institutions, or retail concerned to the customers located outside your State? If less than \$50,000, indicated in excess of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the custome	YES i.e. i) NO
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9. A. B. C.	NUMBER OF PEOPLE PRESENTLY EMPLOY A. TOTAL: DId you provide services valued in excess of \$50,0 \$	B. AT THE ADDRESS INVOLVED IN THIS MATTER: **ropriate box*): [] CALENDAR [] 12 MONTHS or [] FISCAL 1000 directly to customers outside your State? If no, indicate actual value is valued in excess of \$50,000 to customers in your State who purchased taside your State? If no, indicate the value of any such services you services valued in excess of \$50,000 to public utilities, transit systems, tations, commercial buildings, educational institutions, or retail concerned to the customers located outside your State? If less than \$50,000, indicated in excess of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the customers of \$50,000 directly to customers located inside your State with the custome	YES i.e. i	NO NO
8. 9. A. B. C. F.	NUMBER OF PEOPLE PRESENTLY EMPLOY A. TOTAL: DId you provide services valued in excess of \$50,0 \$	B. AT THE ADDRESS INVOLVED IN THIS MATTER: **ropriate box*): [] CALENDAR [] 12 MONTHS or [] FISCAL 1000 directly to customers outside your State? If no, indicate actual value is valued in excess of \$50,000 to customers in your State who purchased take your State? If no, indicate the value of any such services you services valued in excess of \$50,000 to public utilities, transit systems, tations, commercial buildings, educational institutions, or retail concerned to the customers located outside your State? If less than \$50,000, indicate amount from directly outside your State? If less than \$50,000, indicate amount tests of \$50,000 from directly outside your State? If less than \$50,000, indicate amount tests of \$50,000 from directly outside your State? If less than \$50,000, indicate amount tests of \$50,000 from directly outside your State? If less than \$50,000, indicate amount tests of \$50,000 from directly outside your State? If less than \$50,000, indicate amount tests of \$50,000 from directly outside your State? If less than \$50,000, indicate amount tests of \$50,000 from directly outside your State? If less than \$50,000, indicate amount tests of \$50,000 from directly outside your State? If less than \$50,000, indicate amount tests of \$50,000 from directly outside your State? If less than \$50,000, indicate amount tests of \$50,000 from directly outside your State? If less than \$50,000, indicate amount tests of \$50,000 from directly outside your State? If less than \$50,000, indicate amount tests of \$50,000 from directly outside your State? If less than \$50,000, indicate amount tests of \$50,000 from directly outside your State? If less than \$50,000, indicate amount tests of \$50,000 from directly outside your State? If less than \$50,000, indicate amount tests of \$50,000 from directly outside your State? If less than \$50,000, indicate amount tests of \$50,000 from directly outside your State? If less than \$50,000, indicate amount tests of \$50,000 from directly outside your State? If less than \$50,000, indicate am	YES i.e. i	NO NO
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NAME TITLE E-MAIL ADDRESS TEL. NUMBER

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

${\bf 12.\ AUTHORIZED\ REPRESENTATIVE\ COMPLETING\ THIS\ QUESTIONNAIRE}$

Did you begin operations within the last 12 months? If yes, specify date:

[] YES [] NO (If yes, name and address of association or group).

NAME AND TITLE (Type or Print) SIGNATURE E-MAIL ADDRESS DATE

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMY'S KITCHEN	
Charged Party	
and	Case 32-CA-297181
UNITE HERE LOCAL 19	
Charging Party	
AFFIDAVIT OF SERVICE OF CHARGE AGA I, the undersigned employee of the National Labor I June 7, 2022, I served the above-entitled document following persons, addressed to them at the followin (b) (6), (b) (7)(C) AMY'S KITCHEN 830 ROUTE 37 WEST TOMS RIVER, NJ 08754	Relations Board, state under oath that on (s) by post-paid regular mail upon the
June 7, 2022	Ida Lam, Designated Agent of NLRB
Date	Name
	/s/ Ida Lam Signature



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 32 1301 Clay St Ste 300N Oakland, CA 94612-5224 Agency Website: www.nlrb.gov Telephone: (510)637-3300 Fax: (510)637-3315 Download NLRB Mobile App

June 7, 2022

JESSE TRIPATHI, STAFF ATTORNEY UNITE HERE LOCAL 19 2302 ZANKER RD. SAN JOSE, CA 95131

> Re: Amy's Kitchen Case 32-CA-297181

Dear Mr. Tripathi:

The charge that you filed in this case on June 01, 2022 has been docketed as case number 32-CA-297181. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney ANGELA M. HOLLOWELL-FUENTES whose telephone number is (510)671-3012. If this Board agent is not available, you may contact Supervisory Attorney D. CRISS PARKER whose telephone number is (510)671-3035.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

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Very truly yours, Valerie Hardy-Makorey

Valerie Hardy-Mahoney Regional Director



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 32 1301 Clay St Ste 300N Oakland, CA 94612-5224 Agency Website: www.nlrb.gov Telephone: (510)637-3300

Fax: (510)637-3315

NLRB Mobile App

June 10, 2022

RE-SERVED TO CORRECTED ADDRESS

(b) (6), (b) (7)(C)

AMY'S KITCHEN 1885 LAS PLUMAS AVE SAN JOSE, CA 95133

> Re: Amy's Kitchen

Case 32-CA-297181

Dear(b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours, Valerie Hardy-Makoney

Valerie Hardy-Mahoney Regional Director

Enclosures:

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	M NLRB-5081 (3-11)	NATIONAL LABOR RE	LATIONS BOARD			
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_	SE NAME				NUMBER	
				32-CA	-297181	
1.	EXACT LEGAL TITLE OF ENTITY (As filed w	vith State and/or stated in leg	al documents forming entity)			
2.	TYPE OF ENTITY					
[]	CORPORATION [] LLC [] LLP [] PARTNERSHIP [] SC	LE PROPRIETORSHIP [] C	THER (Spe	ecify)	
3.	IF A CORPORATION or LLC					
	STATE OF INCORPORATION	B. NAME, ADDRESS, AN	D RELATIONSHIP (e.g. parent, s	ubsidiary) (OF ALL RELATED ET	NTITIES
	OR FORMATION					
4.	IF AN LLC OR ANY TYPE OF PARTNERSHI	P, FULL NAME AND ADD	RESS OF ALL MEMBERS OR F	PARTNERS	S	
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6.	BRIEFLY DESCRIBE THE NATURE OF YOU	R OPERATIONS (Products	handled or manufactured, or natur	e of services	s performed).	
7A.	PRINCIPAL LOCATION:	7B. BRAN	ICH LOCATIONS:			
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8.	NUMBER OF PEOPLE PRESENTLY EMPLO	YED				
	A. TOTAL:		VOLVED IN THIS MATTER:			
9.	A. TOTAL: DURING THE MOST RECENT (Check the app			ISCAL YE.)
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Α.	Did you provide services valued in excess of \$50,0 \$	ropriate box): [] CALEND. Output Ou	AR [] 12 MONTHS or [] For the state of the s	l value.		NO NO
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 12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

 NAME AND TITLE (Type or Print)
 SIGNATURE
 E-MAIL ADDRESS
 DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMY'S KITCHEN	
Charged Party	
and	Case 32-CA-297181
UNITE HERE LOCAL 19	
Charging Party	
AFFIDAVIT OF SERVICE OF <u>RE-SERVED</u> CHARGE AGAINST EMPLOYER	
I, the undersigned employee of the National Labor Relations Board, state under oath that on June 10, 2022, I re-served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:	
(b) (6), (b) (7)(C) AMY'S KITCHEN 1885 LAS PLUMAS AVE SAN JOSE, CA 95133	
June 10, 2022	Kristy Lutz, Designated Agent of NLRB
Date	Name
<u>/s</u>	s/ Kristy Lutz
	Signature

REGION 32 1301 Clay St Ste 300N Oakland, CA 94612-5224 Agency Website: www.nlrb.gov Telephone: (510)637-3300 Fax: (510)637-3315

October 28, 2022

ROBERT F. MILLMAN, ATTORNEY LITTLER MENDELSON, PC 2049 CENTURY PARK EAST, 5th FLOOR LOS ANGELES, CA 90067-3120

GORDON A. LETTER, ATTORNEY LITTLER MENDELSON, P.C. 2049 CENTURY PARK EAST, 5th FLOOR LOS ANGELES, CA 90067-3107

Re: Amy's Kitchen

Case 32-CA-296960

Amy's Kitchen Case 32-CA-297148

Amy's Kitchen Case 32-CA-297181

Dear Mr. Millman, and Mr. Letter:

This is to advise you that I have approved the withdrawal of the charges in the above cases.

Very truly yours,

Valerie Hardy-Mahoney

Valerie Hardy-Mahoney

Regional Director

cc: (b) (6), (b) (7)(C)

AMY'S KITCHEN 1885 LAS PLUMAS AVE SAN JOSE, CA 95133 ALAN G. CROWLEY, ATTORNEY WEINBERG ROGER & ROSENFELD 1375 55TH STREET EMERYVILLE, CA 94608

UNITE HERE LOCAL 19 2302 ZANKER ROAD SAN JOSE, CA 95131